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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

CV No. 3:15-cv-01857-BR

LORI WAKEFIELD, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

VISALUS, INC., a Nevada corporation,

Defendant.

**DEFENDANT'S OBJECTIONS TO
PLAINTIFF'S DEPOSITION
DESIGNATIONS**

Defendant, ViSalus, Inc. ("ViSalus") objects to Plaintiff Lori Wakefield and the Certified Class' deposition designations as follows:

Justin Call

Testimony concerning exhibits should not be read until exhibits are admitted into evidence.

Defendant objects to all testimony concerning an exhibit if the exhibit is not admitted first.

<u>PAGE AND LINE</u>	<u>OBJECTION TO PLAINTIFF'S DEPOSITION DESIGNATIONS</u>
45:12-46:6	Lacks personal knowledge; speculation; foundation
55:10-20	Speculation; lacks personal knowledge; foundation
76:5-17	Foundation; speculation; lacks personal knowledge
77:13-23	Speculation; lack personal knowledge; foundation
83:3-5	Statement by counsel, not a question
86:24-87:16	Speculation; lacks personal knowledge; foundation
106:9-107:10; 107:16-108:10	Foundation; relevance
112:17-19	Relevance; FRE 403
115:9-14	Relevance; FRE 403

Scott Gidley (December 12, 2016 deposition)

Testimony concerning exhibits should not be read until exhibits are admitted into evidence.

Defendant objects to all testimony concerning an exhibit if the exhibit is not admitted first.

<u>PAGE AND LINE</u>	<u>OBJECTION TO PLAINTIFF'S DEPOSITION DESIGNATIONS</u>
36:2	Logarithm corrected to algorithm
91:7-19	Relevance; FRE 403
111:5	Corrected to read "Yes. If the call was initiated through POM, the toll-free number would have appeared as the number from which the call originated."
210:2-10	Relevance

Scott Gidley (December 12, 2017 deposition)

Testimony concerning exhibits should not be read until exhibits are admitted into evidence.

Defendant objects to all testimony concerning an exhibit if the exhibit is not admitted first.

John Laun

Testimony concerning exhibits should not be read until exhibits are admitted into evidence.

Defendant objects to all testimony concerning an exhibit if the exhibit is not admitted first.

Defendant objects to the testimony related to GroupCast, which is the subject of a motion in limine.

<u>PAGE AND LINE</u>	<u>OBJECTION TO PLAINTIFF'S DEPOSITION DESIGNATIONS</u>
27:5-15	Speculation; lacks personal knowledge
39:22-40:5	Relevance
83:5-17	Speculation; lacks personal knowledge; relevance
83:19-84:8	Relevance
92:20-94:10	Speculation; lacks personal knowledge
98:21-99:11	Speculation; lacks personal knowledge
114:8-14	Relevance; speculation; lacks personal knowledge

DATED this 23rd day of January, 2019.

QUARLES & BRADY LLP

By /s/ John Maston O'Neal

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I hereby certify that I served the foregoing on Plaintiff the foregoing document:

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by the following indicated method or methods on the date set forth below:

- ☒ **CM/ECF system transmission.**
- ☐ **E-mail.** As required by Local Rule 5.2, any interrogatories, requests for production, or requests for admission were e-mailed in Word or WordPerfect format, not in PDF, unless otherwise agreed to by the parties.
- ☐ **Facsimile communication device.**
- ☐ **First-class mail, postage prepaid.**
- ☐ **Hand-delivery.**
- ☐ **Overnight courier, delivery prepaid.**

DATED this 23rd day of January, 2019.

/s/John Maston O'Neal

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